

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kelly Lyon	Team: Squad #11	CCRB Case #: 202200991	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 02/04/2022 3:50 PM	Location of Incident: § 87(2)(b) § 87(2)(b)	Precinct: 94	18 Mo. SOL 8/4/2023	EO SOL 8/4/2023	
Date/Time CV Reported Tue, 02/15/2022 3:31 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 02/15/2022 3:31 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Stephan Howell	27451	969123	094 PCT
2. PO Conrade Joseph	16162	969832	094 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Stephan Howell	Abuse: Police Officer Stephan Howell entered § 87(2)(b) in Brooklyn	§ 87(2)(b)
B. PO Conrade Joseph	Abuse: Police Officer Conrade Joseph entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C. PO Stephan Howell	Abuse: Police Officer Stephan Howell searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D. PO Conrade Joseph	Abuse: Police Officer Conrade Joseph searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
E. PO Conrade Joseph	Abuse: Police Officer Conrade Joseph questioned § 87(2)(b)	§ 87(2)(b)
F. PO Stephan Howell	Abuse: Police Officer Stephan Howell forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
G. PO Conrade Joseph	Abuse: Police Officer Conrade Joseph forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
H. PO Stephan Howell	Abuse: Police Officer Stephan Howell sexually humiliated § 87(2)(b) through failure to cover.	§ 87(2)(b)
I. PO Conrade Joseph	Abuse: Police Officer Conrade Joseph sexually humiliated § 87(2)(b) through failure to cover.	§ 87(2)(b)
J. PO Conrade Joseph	Force: Police Officer Conrade Joseph tightly handcuffed § 87(2)(b)	§ 87(2)(b)
K. PO Stephan Howell	Force: Police Officer Stephan Howell used physical force against § 87(2)(b)	§ 87(2)(b)
L. PO Conrade Joseph	Force: Police Officer Conrade Joseph used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On February 15, 2022, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System. § 87(2)(b) legal first name is § 87(2)(b) however, she prefers to be called § 87(2)(b)

On February 4, 2022, at approximately 3:50 p.m., § 87(2)(b) was in her apartment located at § 87(2)(b) § 87(2)(b) in Brooklyn, talking to her friend over the phone when she heard knocking on her door. PO Stephan Howell and PO Conrade Joseph of the 94th Precinct were at the door along with two EMTs. The officers stated that they were there for a wellness check for § 87(2)(b) asked § 87(2)(b) whether that was her, and she denied that she was § 87(2)(b) and refused to show her ID. EMS explained that they received a call that she verbalized the words, "I want to jump off a bridge." § 87(2)(b) asked the officers and EMS to come inside, and they entered the apartment (**Allegations A and B: Abuse of Authority**, § 87(2)(g))

Once inside, PO Howell and PO Joseph looked around the apartment with their flashlights (**Allegations C and D: Abuse of Authority**, § 87(2)(g)) PO Joseph asked § 87(2)(b) "Do you have any weapons in the house, do you own any guns?" (**Allegation E: Abuse of Authority**, § 87(2)(g)) § 87(2)(b) responded, "No, you can go all the way inside." § 87(2)(b) provided a debit card which showed the name § 87(2)(b) PO Howell and PO Joseph discussed sending § 87(2)(b) to the hospital with EMS and informed § 87(2)(b) that she needed to go to the hospital (**Allegations F and G: Abuse of Authority**, § 87(2)(g))

§ 87(2)(b) explained she was wearing a bathrobe, a sports bra, and nothing else underneath. § 87(2)(b) stated she needed to change her clothes and went into her bedroom. PO Howell and PO Joseph handcuffed § 87(2)(b) and then PO Joseph assisted § 87(2)(b) in putting her pants on while PO Howell held her during which her lower half of her body was exposed (**Allegations H and I: Abuse of Authority**, § 87(2)(g)) § 87(2)(b) hand slipped out of one of the handcuffs and PO Joseph put the handcuffs back on which caused § 87(2)(b) to complain of pain (**Allegation J: Force**, § 87(2)(g))

While waiting to go downstairs, § 87(2)(b) friend, § 87(2)(b) arrived at the location. PO Howell and PO Joseph carried § 87(2)(b) down the stairs which caused her to complain of pain (**Allegations K and L: Force**, § 87(2)(g)) § 87(2)(b) was removed to § 87(2)(b) where she was released that same day.

This incident resulted in no summons or arrest.

The investigation obtained two body-worn camera videos (**BR 01 and BR 02; videos, BR 03 and BR 04; summaries**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Stephan Howell entered § 87(2)(b) § 87(2)(b) **in Brooklyn**

Allegation (B) Abuse of Authority: Police Officer Conrade Joseph entered § 87(2)(b) § 87(2)(b) **in Brooklyn.**

Allegation (C) Abuse of Authority: Police Officer Stephan Howell searched § 87(2)(b) § 87(2)(b) **in Brooklyn.**

Allegation (D) Abuse of Authority: Police Officer Conrade Joseph searched § 87(2)(b) § 87(2)(b) **in Brooklyn.**

Allegation (E) Abuse of Authority: Police Officer Conrade Joseph questioned § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Stephan Howell forcibly removed § 87(2)(b) **to the hospital.**

Allegation (G) Abuse of Authority: Police Officer Conrade Joseph forcibly removed § 87(2)(b) **to the hospital.**

§ 87(2)(b) consistently stated (**BR 05, BR 06, and BR 07**) she was inside of her home

having a panic attack while on the phone with her friend § 87(2)(b) § 87(2)(b) was crying and hyperventilating. Earlier that day § 87(2)(b) had called doctors and made appointments. A lot of her appointments had been cancelled and that was adding to § 87(2)(b) panic attack. § 87(2)(b) had told the doctors that she was having a panic attack and she did not feel well. § 87(2)(b) never told the doctors or § 87(2)(b) that she wanted to hurt herself.

§ 87(2)(b) heard knocking on her door, went to the door, asked who it was, and officers stated it was the police, so § 87(2)(b) opened her door. § 87(2)(b) did not know who called the police. There were two male officers, PO Howell, and PO Joseph and two male EMTs. PO Howell and PO Joseph stated that they were there for a wellness check and wanted to make sure § 87(2)(b) did not want to hurt herself.

§ 87(2)(b) explained that she did not want to hurt herself, she was just anxious. She was disabled and at the doctor's five days a week and it was making her anxious. § 87(2)(b) explained that she had been harassed in her building and had a lot going on. § 87(2)(b) had been trying to make appointments that were not going through, and she felt like she needed help. § 87(2)(b) wanted to get better; she did not want to do anything to hurt herself. § 87(2)(b) felt that the officers did not believe her. She was crying and not understanding what was going on.

PO Howell and PO Joseph asked § 87(2)(b) whether there was anyone else in the apartment or if there were weapons inside. § 87(2)(b) said there was not any. § 87(2)(b) thought if she showed the officers, then they would leave. § 87(2)(b) let the officers and EMTs inside by opening the door for them. § 87(2)(b) never specifically told the officers to enter the apartment. § 87(2)(b) did not want the officers in the apartment she wanted them to leave. § 87(2)(b) did not feel like she had an option not to let the officers inside. The officers looked in the living room and bedroom while § 87(2)(b) sat on the couch. Then one of the officers told § 87(2)(b) she needed to go to the hospital for an evaluation and she stated she did not want to go.

PO Howell's (BR 08) and PO Joseph's (BR 09) statements were generally consistent with one another as well as the body-worn camera footage. PO Joseph's body-worn camera footage (BR 02; video, BR 04; summary) shows at 3:15 minutes, § 87(2)(b) opening the door to her apartment. The officers ask her if there is a § 87(2)(b) § 87(2)(b) says she is not § 87(2)(b) and refuses to provide an ID. At 5:20 minutes, § 87(2)(b) agrees to speak to EMS so she can tell them she is fine. An EMT informs her that they got a call from a male during which she verbalized that she wanted to jump off a bridge. The EMT states that they have to determine that she is not § 87(2)(b) in order to leave. The EMT turns to the officers and says he does not trust her. PO Howell (BR 08) and PO Joseph (BR 09) consistently stated that the 911 caller was a mental healthcare provider and PO Howell added that the caller stated that § 87(2)(b) was non-violent and not known to carry any weapons.

At 8:25 minutes, § 87(2)(b) says, "Can you come inside, please." PO Joseph goes inside and says, "Do you have any weapons in the house, do you own any guns?" § 87(2)(b) says, "No you can go all the way inside." PO Joseph explains that they have to verify that she is not § 87(2)(b) PO Joseph points his flashlight into § 87(2)(b) bedroom. PO Howell's body-worn camera footage (BR 01; video, BR 03; summary) shows PO Howell at 8:40 minutes walking through the kitchen and shining his flashlight into the bathroom. PO Joseph (BR 09) stated that he looked into § 87(2)(b) bedroom from the living room to see if there were any weapons because the assignment came over as a suicidal individual. PO Joseph asked § 87(2)(b) if there were any weapons or guns in the apartment for safety. The safety sweep and questions asked were done for general safety and because of the nature of the call. There was no indication that anyone else was inside the apartment.

PO Joseph's body-worn camera footage (BR 02; video, BR 04; summary) shows at 9:15 minutes, § 87(2)(b) providing an EMT with her debit card. PO Joseph looks at it and says, "Oh, okay." At 10:00 minutes, PO Joseph tells the other EMT that it is her. The EMT asks § 87(2)(b) if she mentioned anything on the phone and § 87(2)(b) interjects, "I said I was in so much pain I feel like doing this and I will not." The EMT responds, "And you verbalized that you

Because the Event showed that the 911 caller stated § 87(2)(b) was not known to be violent or carry weapons and nothing leading up to the moment in which PO Joseph asked § 87(2)(b) if there were any weapons or guns in her apartment indicated that any criminality was occurring. § 87(2)(g)

§ 87(2)(g) EMS agreed with the officers that § 87(2)(b) needed to go to the hospital for a psychiatric evaluation § 87(2)(g)

Allegation (H) Abuse of Authority: Police Officer Stephan Howell sexually humiliated § 87(2)(b) through failure to cover.

Allegation (I) Abuse of Authority: Police Officer Conrade Joseph sexually humiliated § 87(2)(b) through failure to cover.

§ 87(2)(b) Allegation (J) Force: Police Officer Conrade Joseph tightly handcuffed § 87(2)(b)

Allegation (K) Force: Police Officer Stephan Howell used physical force against § 87(2)(b)

Allegation (L) Force: Police Officer Conrade Joseph used physical force against § 87(2)(b)

§ 87(2)(b) stated (BR 07) that after the officers entered her apartment, an officer told § 87(2)(b) she needed to go to the hospital for an evaluation and she stated she did not want to go. The officers told § 87(2)(b) she was being erratic. § 87(2)(b) got up and went into the bedroom and said, "This is bullshit." § 87(2)(b) stated she wanted to wear normal clothes and she would go with them. § 87(2)(b) stated that she would not go in her robe and the officers told her she was not cooperating.

The officers handcuffed her. An officer told § 87(2)(b) to put on her house slippers and took § 87(2)(b) phone. It was snowing outside so § 87(2)(b) did not want to leave in her slippers. § 87(2)(b) tried to explain that she had PTSD and could not stand for long periods of time due to a medical condition. § 87(2)(b) became upset because she wanted to change, and the officers told her she was acting erratic and could not change.

§ 87(2)(b) asked to be handcuffed in front and stated she would not leave without changing. The bedroom was small and only fit her queen-sized bed with little floor space. One of the EMTs found a pair of pants on § 87(2)(b) couch and brought them to the officers. § 87(2)(b) was cornered against the bed. § 87(2)(b) stated, "Are you fine with me changing with my pussy out right in front of you? Is this being recorded?" and the officer stated it was. § 87(2)(b) did not remember whether anyone helped her get her pants on. § 87(2)(b) took the robe off and was exposed from the waist down. § 87(2)(b) got into her pants very quickly and was leaning forward while she did it.

§ 87(2)(b) had asked § 87(2)(b) to call her friend § 87(2)(b) who showed up after § 87(2)(b) put her pants on. § 87(2)(b) was allowed to have her jacket and an officer carried her cane for her. § 87(2)(b) was carried outside in a stretcher. § 87(2)(b) did not remember getting onto the stretcher she just remembered how tight she was held. § 87(2)(b) did not specify who was holding onto her. § 87(2)(b) discovered bruises on her ankles, thighs, and wrists after the incident. § 87(2)(b) passed out and needed to be placed on oxygen since she did not have her inhaler. § 87(2)(b) regained consciousness in the ambulance. § 87(2)(b) was in a lot of pain. § 87(2)(b) and one of the officers accompanied § 87(2)(b) in the ambulance and she was transported to § 87(2)(b) and sent home that same night. Medical records were requested from § 87(2)(b) but no records were located by the hospital (BR 17).

PO Howell's (BR 08) and PO Joseph's (BR 09) statements were generally consistent with one another as well as the body-worn camera footage. PO Joseph's body-worn camera footage (BR 02; video, BR 04; summary) shows at 18:09 minutes, § 87(2)(b) stating she does not have any clothes on and walks to her bedroom. § 87(2)(b) is wearing a grey bathrobe. PO Joseph follows her to the bedroom, and she says, "I don't have any clothes on, leave." § 87(2)(b) explains that she is wearing a bra under her bath robe and nothing else. PO Joseph tells § 87(2)(b) that they do not want to restrain her, but she has to go to the hospital. At 19:35 minutes, § 87(2)(b) states she wants to be clothed and that she needs pants and underwear. PO Howell explains that he cannot shut her door and § 87(2)(b) says, "I don't give a shit, you can watch me get dressed." PO Howell and PO Joseph stand outside the bedroom. At 20:55 minutes, § 87(2)(b) grabs something from the living room, possibly an article of clothing, and then a loud bang or knock is heard off screen and § 87(2)(b) says, "I don't want to go."

PO Howell's body-worn camera footage (BR 01; video, BR 03; summary) appears to show § 87(2)(b) throwing an object, possibly clothing, by lifting her arms up over her head and thrusting the object forward and causing a loud noise behind PO Joseph at 20:58 minutes. The camera was not in a position to see where the object or § 87(2)(b) hands landed.

PO Joseph's body-worn camera footage (BR 02; video, BR 04; summary) shows at 21:05 minutes, PO Joseph handcuffing § 87(2)(b) while PO Howell holds her arms back. PO Howell (BR 08) and PO Joseph (BR 09) explained that § 87(2)(b) needed to be handcuffed because that type of erratic behavior could escalate to assaulting an officer, assaulting EMS, or harming herself.

At 21:05 minutes, § 87(2)(b) says, "Put my pants on for me. Put them on." At 21:22 minutes, PO Howell is holding § 87(2)(b) arm while PO Joseph helps § 87(2)(b) put her pants on and she is fully exposed from the waist down. PO Howell (BR 08) and PO Joseph (BR 09) consistently stated that there were no female officers available to assist in dressing § 87(2)(b) and PO Joseph (BR 09) added that § 87(2)(b) genitals were not exposed to him. At 21:28 minutes, § 87(2)(b) left wrist has slipped out of the handcuff. At 23:40 minutes, PO Joseph re-handcuffs § 87(2)(b) and she says, "It hurts, it hurts, it hurts, it hurts."

At 29:00 minutes, PO Howell begins walking § 87(2)(b) toward the door of her apartment and she sits on the ground. At 30:35 minutes, PO Joseph tells § 87(2)(b) she can either walk down the stairs or use EMS' chair. One of the EMTs asks § 87(2)(b) if she can walk and she does not respond so he says he will get the chair. At 34:00 minutes, § 87(2)(b) shows up while PO Joseph and an EMT are trying to sit § 87(2)(b) into the chair. § 87(2)(b) does not cooperate with being strapped to the chair and screams, "You're hurting me." The officers decide to carry § 87(2)(b) without the chair. From 38:00 minutes to 39:00 minutes, PO Joseph and PO Howell carry § 87(2)(b) by the arms, torso, and legs to the ambulance as she moves her body and screams that she is in pain and that they are hurting her. By the time they reach the ambulance, § 87(2)(b) appears to be unconscious.

NYPD Patrol Guide procedure 221-13 (BR 15) states that when an emotionally disturbed person is being removed to the hospital in an ambulance, they may be restrained in handcuffs if they are violent or resisting. When possible, a female emotionally disturbed person who is restrained should be accompanied by another female when they are being transported.

NYPD Patrol Guide procedure 200-02 (BR 18) states that one of the NYPD's values is to respect the dignity of each individual and render services with courtesy and civility.

NYPD Patrol Guide procedure 221-01 (BR 19) states that force may be used when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Any application of force must be reasonable under the circumstance and the following should be considered in determining whether it is reasonable: The nature and severity of the crime/circumstance, actions taken by the subject, duration of the action, immediacy of perceived threat or harm to the subject, MOS, or bystanders, whether the subject is actively resisting custody,

whether the subject is attempting to evade arrest by flight, number of subjects in comparison to number of MOS, size, age, and condition of subject compared to that of the MOS, subject's violent history, presence of hostile crowd or agitators, and whether the subject is apparently under the influence of stimulants/narcotics.

Given that it was determined that § 87(2)(b) needed to go to the hospital and was restrained for safety reasons, she requested assistance with putting pants on, and there were no female officers to assist with the transport, it was necessary for PO Howell and PO Joseph to assist § 87(2)(b) in covering herself by putting pants on. § 87(2)(g)

Because § 87(2)(b) was becoming aggressive by throwing an object or hitting the wall and was not cooperating by stating she did not want to go with the officers to the hospital after being given the opportunity to get dressed, § 87(2)(g)

Because § 87(2)(b) actively resisted going to the ambulance by refusing to walk with the officers by sitting on the ground and did not cooperate with the officers or EMS with sitting safely on the chair, § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 20).
- PO Howell has been a member of service for two years and named a subject in one additional complaint and one allegation which was not substantiated.
 - § 87(2)(g)
- PO Joseph has been a member of service for one year and this is the first CCRB complaint to which he has been named a subject.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of October 20, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (BR 21).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 11

Investigator:	Kelly Lyon	Inv. Kelly Lyon	03/31/2023
	Signature	Print Title & Name	Date

Squad Leader:	Edwin Pena	IM Edwin Pena	04/01/2023
---------------	------------	---------------	------------

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date